

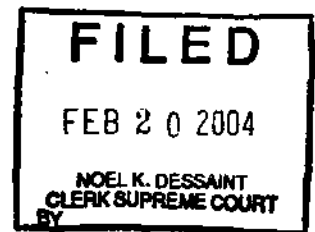
SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA

STUART J. REILLY,
Bar No. 005275

RESPONDENT.

) Supreme Court
) No. SB-04-0006-D
)
) Disciplinary Commission
) No. 02-1867
)
)
)
) **JUDGMENT AND ORDER**



This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and no discretionary review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **STUART J. REILLY**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **STUART J. REILLY** shall be placed on probation for a period of two (2) years commencing on February 26, 2004. The terms of probation are as follows:

- 1) Prior to February 26, 2004, Respondent shall contact the contact the director of the State Bar's Law Officer Management Assistance Program (LOMAP) to schedule an audit of his law office. The LOMAP director or a designee will conduct an audit of Respondent's law office no later than thirty (30) days thereafter. Respondent shall comply with all recommendations of the LOMAP director or designee.
- 2) Respondent shall continue meeting with his Practice Monitor and shall comply with all recommendations of the Practice Monitor.
- 3) Prior to February 26, 2004, Respondent shall contact the director of the State Bar's Member Assistance Program (MAP) to schedule an assessment of his condition to practice law. The MAP director or a designee will schedule the assessment of Respondent to take place no later than thirty (30) days thereafter.
- 4) Respondent shall remain under the care of a psychiatrist and shall continue to take all prescribed medications as directed by the psychiatrist. The psychiatrist shall file a report with the director of MAP every three (3) months, detailing Respondent's compliance with his medication regime, as well as noting any changes in Respondent's mental status.
- 5) Respondent shall continue meeting with his therapist on a regular basis, but not less than twice per month, unless otherwise recommended by the therapist.

Respondent's therapist shall file a report with the director of MAP every month, detailing Respondent's progress in addressing issues impacting his mental health. In addition, the therapist shall contact the director of MAP immediately should Respondent fail to appear for appointments, absent a valid excuse.

- 6) In the event Respondent fails to comply with any of the foregoing terms and information thereof is received by the State Bar, bar counsel shall file a Notice of Non-Compliance with the Disciplinary Commission. The Disciplinary Commission may refer the matter to a hearing officer to conduct a hearing at the earliest possible date, but in no event later than thirty (30) days following receipt of said notice. If the matter is referred to a hearing officer, the hearing officer shall determine whether the terms of probation have been breached, and if so, to recommend appropriate action and response to such breach.
- 7) If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **STUART J. REILLY** for costs and expenses of these proceedings in the amount of \$720.20, together with interest at the legal rate from the date of this judgment.

DATED this 20th day of February, 2004.


NOËL K. DESSAINT, Clerk

TO:

Stuart J. Reilly, Respondent (Certified Mail, Return Receipt)
Christine M. Powell, Bar Counsel
John Pressley Todd, Hearing Officer 7X
Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)
Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)
West Publishing Company (Jode Ottman)
Lexis/Nexis

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The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noël K. Dessaint, Clerk of the Supreme Court
State of Arizona

By  Deputy